

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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JOHN SMITH,

Plaintiff,

v.

CASE NO: 18-CV-10010

CORIZON HEALTH CORPORATION  
ET AL.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATIONS**

This matter is before the Court on the Corizon Defendants' three Motions to Dismiss Plaintiff John Smith's Amended Complaint. (Doc #s 29, 42 & 48) and the State Defendants' Motion to Dismiss (Dkt #46). The case was referred to United States Magistrate David R. Grand pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72.1. In his reports, the Magistrate Judge recommends that this court deny the Corizon Defendants' Motions to Dismiss as moot and without prejudice and deny as moot the State Defendants' Motion to Dismiss. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C); thus further appeal rights are waived.<sup>1</sup>

The court ADOPTS the Report and Recommendations for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendations, the Corizon Defendants' Motion to Dismiss the

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<sup>1</sup> The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Plaintiff's Amended Complaint, (Dkt #'s 29, 42, & 48) and the State Defendants' Motion to Dismiss (Dkt #46) are DENIED as MOOT.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 14, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 14, 2019, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(810) 292-6522

